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Annual

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Report Highlights: Updated on July 31, 2004. This report provides detailed information intended to facilitate access to the Spanish market. All harmonized EU requirements are referred to the EU FAIRS report. Explanations are provided only when national rules apply or for matters not covered by the EU level report. Please take note of updated Section IX Import Procedure. (LJ12DPA25SH12)

Includes PSD Changes: No
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This report is best read in conjunction with European Union level reports written by the Office of Agricultural Affairs of the U.S. Mission to the European Union in Brussels, BELGIUM, under the "Food and Agricultural Import Regulations and Standards (FAIRS)"category.

DISCLAIMER: This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in (Madrid, Spain) for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. **FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.**

FOOD LAWS

The major Spanish legislation governing food products is the 1974 Food Code (Codigo Alimentario) which contains the basic norms on foodstuffs. This code has been subsequently developed by a number of decrees, orders, and particularly by specific food type technical-sanitary regulations (Reglamentos Tecnico Sanitarios). These food type regulations are still in force except those which have been superceded by European food legislation including sugars, cocoa and chocolate products, honey, fruit juices and similar products, preserved milk, coffee extracts and chicory extracts and fruit jams and similar products. In addition, the permitted lists of additives set under these regulations are no longer in force since they have been superceded by three EU directives on permitted sweeteners, colors and other additives.

All the matters related to labeling, presentation and advertising of foodstuffs for sale to the ultimate consumers are ruled by the European Union's food legislation.

SECTION II. LABELING REQUIREMENTS

EU-harmonized legislation is applied to:

1. General labeling requirements
2. Nutritional labeling information
3. Product-Specific labeling
4. GMO's and Novel Food Labeling

Detailed labeling information can be found in the EU-25 FAIRS report E34054 at the following address: <http://www.fas.usda.gov/scripts/gd.asp?ID=146107373>, as well as at the website: www.useu.be/agri/label.html

All labeling information must be in Spanish. Sticks-on labels are allowed in Spain.

SECTION III. PACKAGING AND CONTAINER REGULATIONS

EU-harmonized legislation is applied. For detailed information, please refer to the EU-25 FAIRS report E34054 at : <http://www.fas.usda.gov/scripts/gd.asp?ID=146107373>, as well as at the website: www.useu.be/agri/packaging.html

SECTION IV. FOOD ADDITIVE REGULATIONS

EU-harmonized legislation is applied. For detailed information, please refer to the EU-25 FAIRS report E34054 at : <http://www.fas.usda.gov/scripts/gd.asp?ID=146107373>, as well as at the website: www.useu.be/agri/additive.html

SECTION V. PESTICIDE AND OTHER CONTAMINANTS

Pesticides Residues: EU pesticide legislation is being harmonized but the process is not yet completed.

The complete list of maximum residue levels (MRL's) and commodity combinations allowed in the EU can be obtained from the Commission's webpage at:

http://europa.eu.int/com/food/fs/ph_ps/pest/index_en.html.

U.S. exporters of fruit and vegetables can check compliance with the Spanish/EU residue legislation through a data base which is available on the Spanish Agriculture Ministry's website, at the following address:

http://www.mapya.es/es/agricultura/pags/fitos/registro/lmrs/principal_lmrs2.htm

Click on the .pdf format and go where it says: Lista de LMRs. There you will get a complete list of residues. If you are looking for one in specific, click on the binoculars and write the name of the residue. This will take you directly to the page and it will show you level of LMR allowed. If it is underlined it means that it is the same as for the rest of the EU, if it is not underlined, at the bottom of the page it shows an explanation.

Other contaminants: Detailed information on EU harmonized maximum levels can be found in the the EU-25 FAIRS report E34054 at

<http://www.fas.usda.gov/scripts/gd.asp?ID=146107373>

Arsenic levels are not yet harmonized in the EU. Spanish legislation sets its maximum level of 1 ppm for processed fruit, vegetables and seaweed, whether organic or inorganic.

SECTION VI. OTHER REGULATIONS AND REQUIREMENTS

A. Registration

Imported foodstuffs are not subject to registration. Only drinking water and the diet and/or special food products listed below need registration. And so need "energy drinks for sportmen" but not other energy drinks with tuarine, caffeine and vitamins.

- Diet food of special medical uses
- Low sodium foods including low/no sodium salt
- Non-gluten foods
- Special foods for sportsmen
- Foods for diabetics

To register diet/special food products, drinking water and "energy drinks for sportmen" the importer must submit a form called "Puesta en Mercado de Dieteticos" accompanied by a copy of the label to the Registro. The register (Registro General Sanitario de Alimentos) is located at the address provided in Appendix I.

All wine importers must be registered at a Spanish Customs special register called "Registro Especial de Gestion Aduanera". Please see Appendix I for the register's address.

B. Inspection and Laboratory testing

A detailed list of products can be found at the following website:

http://www.msc.es/Diseno/informacionProfesional/profesional_sanidad_exterior.htm click on “Controles Sanitarios en la Importacion” and then on “Productos Sometidos a Control”.

Food products imported into Spain are not subject to approval prior entry, label and ingredients clearance or laboratory testing other than random sampling and testing for residues.

C. Certification Requirements

Detailed information on certification requirements can be found in the EU-25 FAIRS report E34054 at: <http://www.fas.usda.gov/scripts/gd.asp?ID=146107373>. And for more detailed and specific information, please refer to the following websites:

1. Certificates for Plant Products: <http://www.useu.be/agri/plantcertif.html>
2. Certificates for Animal Products: <http://www.useu.be/agri/certification.html>
3. Certificates for Processed Foods: <http://www.useu.be/agri/foodcertif.html>

These requirements apply to imports into the Spanish mainland but the Canary Islands archipelago has special plant health requirements. The list of banned products for importation into the Canary Islands includes citrus fruit (except from the Spanish mainland), deciduous fruit from non-European countries, tropical fruits, and kiwifruit (except from New Zealand), potatoes, and plants of most forest tree species and ornamentals. APHIS's certification is required for fresh fruit and vegetables, tubers, leaf tobacco, grains, dried pulses and wood of the following species: oak, chestnut, elm, eucalyptus, maple (acer sacharum) and sycamore.

SECTION VII. OTHER SPECIFIC STANDARDS

Please refer to the EU-harmonized legislation for detailed information on other specific standards at <http://www.fas.usda.gov/scripts/gd.asp?ID=146107373>.

Also, other detailed information may also be found at the following websites:

- ❑ For Genetically Modified Food (GMOs): <http://www.useu.be/agri/GMOs.html>
- ❑ Novel Foods: <http://www.useu.be/agri/novelfood.html>
- ❑ Dietetic or Special Use Foods: <http://www.useu.be/agri/partnutr.html>
- ❑ Wine, Beer & other Alcoholic Beverages: <http://www.useu.be/agri/wine.html>
- ❑ Organic Foods: <http://www.useu.be/agri/organic.html>
- ❑ Vertical legislation (Breakfast Directives): <http://www.useu.be/agri/vertic.html>
- ❑ Beef Labeling: <http://www.useu.be/agri/label.html>
- ❑ Egg labeling: <http://www.useu.be/agri/label.html>
- ❑ Frozen Foodstuffs: <http://www.useu.be/agri/frozen.html>
- ❑ Irradiated Foods: <http://www.useu.be/agri/irradiation.html>
- ❑ Fruit & Vegetables: <http://www.useu.be/agri/Fruit-Veg.html>
- ❑ Seafood: <http://www.useu.be/agri/seafood2.html>

Product Samples and Mail Order Shipments

Samples will be only considered as such when they contain small quantities of foodstuffs. Otherwise, they can only be imported by a regular food importer registered in Spain.

The pertinent health certificates and invoices are required for samples and mail order shipments. Invoices for sample shipments must carry the statement “ Muestras Sin Valor Comercial” (“Samples Without Commercial Value”).

For more detailed information please click on the following links:

<http://www.aeat.es:80/aduanas/normativa/ord211100.htm>
<http://www.fas.usda.gov/scripts/gd.asp?ID=146107373>

SECTION VIII. COPYRIGHT/TRADEMARK LAWS

Copyrights: The Spanish law extends copyright protection to all literary, artistic, or scientific creations, including computer software. Spain and the United States are members of the Universal Copyright Convention. For protection, U.S. authors must register with this organization.

Trademarks: The Spanish Industrial Property Registry provides protection of trademarks for a 10-year period from the date of application. Trademarks must be registered for protection and may be renewed. Protection is not granted for generic names, geographic names, those that violate Spanish customs, or other inappropriate trademarks.

There is also a Community trademark policy which does not replace the existing trademark laws of the member states, but co-exists alongside national trademarks. The Office for the registration of community trademarks in the European Union has its headquarters in Alicante, Spain (see address in Appendix I).

The Spanish Office of Brands and Patents can be found at: www.oepm.es

SECTION IX. IMPORT PROCEDURE/EXPORTING TO SPAIN

1. a) The first step is to be sure your product does not falls into the “prohibited” list of EU imports such as poultry, beef from hormone-treated animals and live beef animals. However, high quality beef from non-hormone treated animals and certain beef products such as tripes, bovine tracheas for pharmaceutical uses, semen, casings, hides and skins are allowed. Non-approved GMOs are also banned. The permitted list of GMOs in the EU is available in the following internet address:

http://europa.eu.int/comm/food/food/biotechnology/authorisation/list_author_gmo_en.pdf

- b) A major problem that exporters of foodstuffs often face is the acceptability of food additives, colors and sweeteners. Any foodstuffs containing an additive, color or sweetener not listed in the EU permitted lists can not be imported into the EU. (See Section 4 of the EU-25 FAIRS report).
2. A U.S. company wishing to export foodstuffs to Spain must find a registered importer/distributor. The importer/distributor will likely advise you of the potential for your products and will check with the regional Health Unit about the feasibility of

importing into Spain, product classification and registration needs. Please note that the importer represents you and your products to the Spanish Government.

3. If your export is mineral water, baby foods or diet products, the products must be registered in the Food Register (see Section VI).
4. If your export is plant products such as fruit & vegetables, tree nuts or wood products, you must get a phytosanitary certification issued by APHIS-USDA.
5. If your export is meat or any other animal products, you must obtain a health/veterinary certification issued by appropriate U.S. Government agencies. In addition, animal products must come from U.S. plants approved by the EU.
6. Regarding labeling, please make sure that products bear either labels or sticks-on labels before leaving the U.S. because they will be checked at Spanish Customs. Labels must at least include all the mandatory information in Spanish. Please make sure that the importer's name and address shown on labels are exactly the same as they were registered.
7. If your export is a genetically modified organism (GMO) or contains an ingredient produced from a GMO, special labeling and traceability requirements apply. Please refer to Section 7. A of the EU-25 FAIRS report.

Importers may be any individual or company with an address in Spain and having a fiscal I.D. from the Ministry of Finance (Ministerio de Hacienda). They must also be registered at the Public Health Unit of the Autonomous Region's Government where they are located, having a sanitary registration number.

Importers, however, may also be any EU firm though not having a domicile in Spain. In this case, they can only be those registered with the Spain's Food Register.

The following documentation is required for customs clearance of food products:

- 1) Bill of lading
- 2) Certificate of Origin
- 3) An original Commercial Invoice with a copy
- 4) An import declaration
- 5) Health Certificates

A key factor to have a smooth entry in Spain is to have a **customs agent**. This person normally works for the transportation company used to bring the products into the country and his job is to clear the products at customs. Most of the importers send their customs agent a detailed information on the product before shipping it and this person, with his/her vast knowledge and contacts would find out if the product is allowed or not, and what kind of paperwork is needed for the customs inspection. Import declarations are made at the State Secretariat of Commerce or its branch delegations in major port cities throughout the country. Declarations must use the exact terminology of the tariff classification under which the goods are being imported. A three-month grace period is allowed for U.S.-origin goods arriving without proper documentation, subject to a written guarantee by the customs agent.

The Ministry of Agriculture has offices at Customs for the sanitary and phytosanitary inspection of live animals, agricultural commodities, fresh produce, planting seed and forest products and so has the Ministry of Health for the veterinary/sanitary inspection of meats, fish and food products.

APPENDIX I- GOVERNMENT REGULATORY AGENCY CONTACTS**MINISTRY OF PUBLIC HEALTH****Imported Foodstuffs, Infections and Compound Residues, Health Certification, Port Inspection and EU Alerts**

Subdirección General de Sanidad Exterior

Ministerio de Sanidad y Consumo

Paseo del Prado, 18 y 20

28014 Madrid

Phone: (34-91) 596-2038

Fax: (34-91) 596-2047

Website:

http://www.msc.es/Diseno/informacionProfesional/profesional_sanidad_exterior.htm

E-mail : saniext@msc.es

Food Safety Agency

AGENCIA ESPAÑOLA DE SEGURIDAD ALIMENTARIA (AESa)

Alcalá, 56

28071 Madrid

Website: www.aesa.msc.es

E-mail: comunicacionAesa@msc.es

Fax: (34-91) 338-0375

MINISTRY OF AGRICULTURE, FISHERIES AND FOOD**Plant Health Unit, inspection and certification**

Subdirección General de Sanidad Vegetal

Ministerio de Agricultura, Pesca y Alimentación

Avda. Ciudad de Barcelona, 6

28007 Madrid

Phone: (34-91) 347-8258

Fax: (34-91) 347-8263

Animal Health Unit, inspection and certification

Subdirección General de Sanidad Animal

Ministerio de Agricultura, Pesca y Alimentación

Velázquez, 147

28002 Madrid

Phone: (34-91) 347-8295

Fax: (34-91) 347-8299

Planting seeds and Nursery Products, governing several seed trade aspects such as import requirements, seed registration and certification, and the commercial seed catalog.

Registro de Variedades Vegetales

Ctra. de la Coruña, Km. 7,5

28040 Madrid

Phone: (34-91) 347-6908

Fax: (34-91) 347-4168

Pesticides, Registration and MRLS establishment:

Subdirección General de Medios de Producción Agrícola
Ministerio de Agricultura, Pesca y Alimentación
Avda. Ciudad de Barcelona, 118
2007 Madrid
Phone: (34-91) 347-8291; Fax: (34-91) 347-8316

EU Trademark Register

Office for Harmonization in the Internal Market
Avenida Aguilera, 20
03080 Alicante
Tel: (34 96) 513-9100
Fax: (34 96) 513-9173

Registro Especial de Gestion Aduanera

Dirección General de Aduanas
Ministerio de Economía y Hacienda
Guzman El Bueno, 132
28003 Madrid.

Registro General Sanitario de Alimentos

Alcalá, 56
28071 Madrid
Phone: (34) 91 338-0432
Fax: (34) 91 338-0932
Website: <http://www.aesa.msc.es/aesa/web/AESA.jsp>

APPENDIX II- OTHER IMPORT SPECIALIST CONTACTS**Office of Agricultural Affairs, Madrid**

Website: <http://www.embusa.es/fas/indexen.html>
E-mail: AgMadrid@usda.gov

Foreign Commercial Service, Madrid and Barcelona

Website: <http://www.buyusa.gov/spain/es/>
E-mails: madrid.office.box@mail.doc.gov
barcelona.office.box@mail.doc.gov